

REMARKS

Status of Claims

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-10, 12, 13, 15, 16, 18, 19, 24, 25, 27-29, 31-33, 35-38 and 40-44 were pending at the time of the Office Action.
- No claims are added or canceled herein.
- Claims 18, 19, 29, 33, 36, 38, 40, 41 and 44 are amended herein.
- Claims 1, 18, 29, 33, 36, 38 and 40 are independent.

Support for the amendments to the claims may be found, for example, at least at paragraphs 0031-0033, 0038-0039, 0044, 0045 and FIGS. 7-8 of Applicant's published application, US2005/0097606. No new matter has been added.

Claims 38 and 44 Recite Statutory Subject Matter Under § 101

Claims 38 and 44 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 38 and 44 as shown above. Applicant respectfully submits that these amendments render the § 101 rejections moot.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Herrington:** Herrington et al., U.S. Patent Application Publication No. 2004/0221310
- **Yuen:** Yuen et al., U.S. Patent Application Publication No. 2001/0157156
- **Ellis:** Ellis et al., U.S. Patent Application Publication No. 2008/0115169

Claims 1-5, 8-10, 12, 13, 15, 16, 18, 19, 24, 25, 27-29, 31-33, 35-38 and 40-44 are

Non-Obvious over Herrington in view of Yuen

Claims 1-5, 8-10, 12, 13, 15, 16, 18, 19, 24, 25, 27-29, 31-33, 35-38 and 40-44 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Herrington in view of Yuen. Applicant respectfully traverses the rejection.

Independent Claim 1

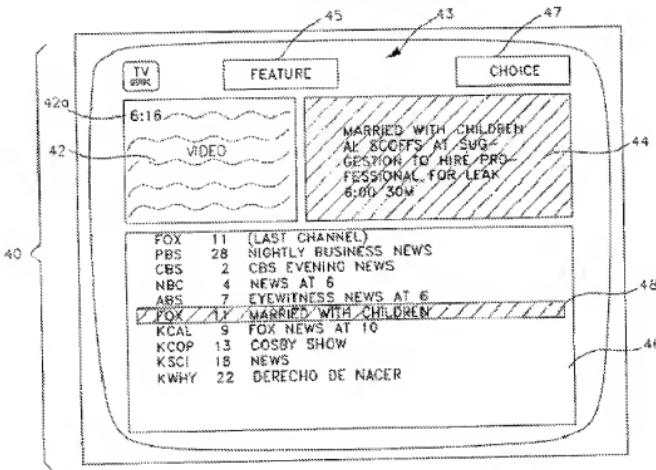
Claim 1 recites, in part (emphasis added):

navigating the sequence of television programs, wherein the navigating comprises using the next key or previous key to change from displaying the currently displayed television program in the sequence to displaying another television program in the sequence, ***wherein the next key or previous key is used to cycle through the sequence of television programs without having to access a menu listing the television programs in the sequence for navigating to display of a next television program in the sequence.***

In the rejection of claim 1, the Office concedes that Herrington does not explicitly disclose the above recitation of Applicant's claim 1. Instead, the Office cites FIG. 3 and

paragraph 0043 of the newly discovered Yuen document as teaching this recitation of Applicant's claim 1. For convenience of discussion, FIG. 3 of Yuen is reproduced below.

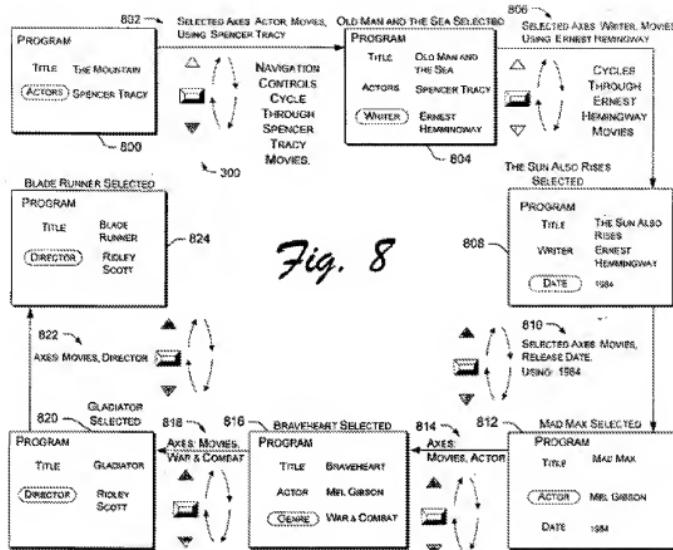
FIG. 3



From a review of FIG. 3 of Yuen reproduced above, it is clear that FIG. 3 shows a list of programs in program schedule area 46. For example, "as the viewer moves the cursor 48 vertically from program listing to program listing, the current television program displayed in the PIP window 42 and the program description displayed in area 44 automatically change accordingly to match the highlighted program in area 46" (Yuen, par. 0043). Yuen further describes that "[a]s the cursor moves from one program listing to another, the tuner 11 is set to the channel for the highlighted program listing so the program can be displayed in the PIP window 42, the microprocessor 24 recalls the program description for the highlighted listing from the program schedule

memory 22, and the video processor 30 formats this program description so it can be displayed in area 44. *Id.* Consequently, Applicant respectfully submits that the Office has failed to cite to any portion of Yuen that teaches or suggests that "the next key or previous key is used to cycle through the sequence of television programs without having to access a menu listing the television programs in the sequence for navigating to display of a next television program in the sequence," as recited in Applicant's claim 1.

For example, as illustrated at FIG. 8 of Applicant's application, reproduced below, a navigational axis may be generated based on selected attributes shared with a currently displayed television program. Thus, as shown at 800, if the user is currently viewing a program in which Spencer Tracy is an actor, the user may use "Spencer Tracy" and "Movies" as attributes to generate a navigational axis of a sequence of Spencer Tracy movies. As shown at 802 the user may use the navigation controls 300 to cycle through the navigational axis of Spencer Tracy movies without having to access a menu listing the movies. FIG. 8 shows that a variety of such navigational axes may be generated based on a variety of different attributes.



On the other hand, Yuen merely displays a list of programs and the user cycles through the programs by moving a cursor through the displayed list of programs. Thus, Yuen does not teach or suggest the above recitation of Applicant's claim 1. As indicated by the Office, Herrington also does not teach or suggest this feature of Applicant's claim 1. For example, Herrington merely displays a list of programs and the user must repeatedly return to the list to access other programs in the list. (See, e.g., FIGS. 4 and 5 of Herrington and corresponding description.) Consequently, neither Herrington nor Yuen teach or suggest the above recitation of Applicant's claim 1.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 1.

Dependent Claims 2-5, 8-10, 12, 13, 15 and 16

Claims 2-5, 8-10, 12, 13, 15 and 16 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5, 8-10, 12, 13, 15 and 16 are also allowable over the cited documents of record for at least their dependency from an allowable base claim.

Some or all of these claims may also be allowable over the cited documents for the additional features that each recites. For example, dependent claim 16 recites that "the Boolean operators are applied automatically based on an association between a link for launching a predefined query corresponding to a navigation context and the television program content associated with the link." The Office asserts that Herrington teaches this recitation, citing paragraph 0059 of Herrington. However, Applicant respectfully notes that the cited portion of Herrington merely describes that the "program guide may locate program listings for programs that have an attribute that matches an attribute of the given program (e.g., a common actor, same content, same subject matter, same series, common director, same category, same theme, common production year, etc.), program listings for programs that have a plurality of attributes matching attributes of the given program" (Herrington, par. 0059). However, the Office has failed to point to any portion of Herrington that teaches or suggests "***a link for launching a predefined query corresponding to a navigational context***," as recited in Applicant's claim 16. In particular, Herrington does not teach or suggest an association between a link for launching a predefined query corresponding to a navigation context and the television program content associated with the link. Yuen fails to make up for the shortcomings in Herrington pointed out above. Accordingly,

claim 16 is allowable over the cited documents for these additional reasons. In view of the foregoing, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 2-5, 8-10, 12, 13, 15 and 16.

Independent Claim 18

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

receiving input from the navigation control to sequentially display content of the plurality of television programs as a navigational axis corresponding to the one or more attribute values, the navigation control navigating the navigational axis by a single key used to cycle through displaying the content of the plurality of television programs identified without accessing a menu listing the plurality of television programs.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 18 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one another. For example, the combination of Herrington and Yuen does not teach or suggest at least "the navigation control navigating the navigational axis by a single key used to cycle through displaying the content of the plurality of television programs identified without accessing a menu listing the plurality of television programs," as Applicant's claim 18 presently recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 18. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 18.

Dependent Claims 19, 24, 25, 27 and 28

Claims 19, 24, 25, 27 and 28 ultimately depend from independent claim 18. As discussed above, claim 18 is allowable over the cited documents. Therefore, claims 19, 24, 25, 27 and 28 are also allowable over the cited documents of record for at least their dependency from an allowable base claim.

Some or all of these claims may also be allowable over the cited documents for the additional features that each recites. For example, dependent claim 19 recites that "the navigation control comprises a next key, a previous key and a select key, **wherein the next key or previous key is used to cycle through the content of the plurality of television programs identified without accessing the menu listing the plurality of television programs for navigating to the content of a next television program of the plurality of television programs**" (emphasis added). The Office asserts that the features of claim 19 were met in the discussion of claim 18. However, Applicant respectfully notes that the Office has failed to cite any document that teaches or suggests at least the above-emphasized feature of Applicant's claim 19. For example, FIG. 3 of Yuen clearly shows a list of programs in program schedule area 46 that is accessed to cycle through the programs. Herrington fails to make up for the shortcomings in Yuen pointed out above. Accordingly, claim 19 is allowable over the cited documents for these additional reasons. In view of the foregoing, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 19, 24, 25, 27 and 28.

Independent Claim 29

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

the navigation controls provide for navigation from display of the currently displayed television program to display of a plurality of different television programs corresponding to the television program identifiers in the list by activation of a single key for cycling through display of the television programs along the navigational axis identified by the list; and

the list is not displayed during cycling through the television programs.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 29 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one another. For example, the combination of Herrington and Yuen does not teach or suggest at least "navigation from display of the currently displayed television program to display of a plurality of different television programs corresponding to the television program identifiers in the list by activation of a single key for cycling through display of the television programs along the navigational axis identified by the list; and the list is not displayed during cycling through the television programs," as Applicant's claim 29 presently recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 29. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 29.

Dependent Claims 31 and 32

Claims 31 and 32 depend from independent claim 29. As discussed above, claim 29 is allowable over the cited documents. Therefore, claims 31 and 32 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, as well as for the additional features that each recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claims 31 and 32.

Independent Claim 33

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

a navigation controller associated with the user interface to select the attribute values from the displayed set of attribute values corresponding to the currently displayed television program for launching the one or more predefined queries, to navigate the navigational axis that is the list of program identifiers of television programs determined to correspond to the one or more predefined queries, and to display television programs corresponding to the program identifiers on the list, wherein the navigation controller comprises a single key activated to display multiple programs successively with corresponding successive single activations of the single key without displaying the list of program identifiers.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 33 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one another. For example, the combination of Herrington and Yuen does not teach or suggest at least "wherein the navigation controller comprises a single key activated to

display multiple programs successively with corresponding successive single activations of the single key without displaying the list of program identifiers," as Applicant's claim 33 presently recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 33. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 33.

Dependent Claim 35

Claim 35 depends from independent claim 33. As discussed above, claim 33 is allowable over the cited documents. Therefore, claim 35 is also allowable over the cited documents of record for at least the dependency of this claim from an allowable base claim, as well as for the additional features that it recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claim 35.

Independent Claim 36

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

the next key or previous key is used to cycle through the television programs corresponding to the list without having to access a menu listing the television programs in the list for navigating to a next television program in the sequence.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 36 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one another. For example, the combination of Herrington and Yuen does not teach or

suggest at least "the next key or previous key is used to cycle through the television programs corresponding to the list without having to access a menu listing the television programs in the list for navigating to a next television program in the sequence," as Applicant's claim 36 recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 36. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 36.

Dependent Claim 37

Claim 37 depends from independent claim 36. As discussed above, claim 36 is allowable over the cited documents. Therefore, claim 37 is also allowable over the cited documents of record for at least the dependency of this claim from an allowable base claim, as well as for the additional features that it recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claim 37.

Independent Claim 38

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

displaying sequentially the television programs in the list when a user uses a navigation controller for changing television channels to navigate along the navigational axis without navigating a display of the list for navigating to a next television program in the list.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 38 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one

another. For example, the combination of Herrington and Yuen does not teach or suggest at least “displaying sequentially the television programs in the list when a user uses a navigation controller for changing television channels to navigate along the navigational axis without navigating a display of the list for navigating to a next television program in the list,” as Applicant’s claim 38 presently recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 38. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 38.

Independent Claim 40

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

responsive to receipt of the instruction, navigating the navigational axis from a first channel displaying the currently displayed television program to a second channel displaying a different television program located on the navigational axis, wherein a listing of programs in the navigational axis is not displayed to effect the navigating on the navigational axis.

For at least the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 40 is also allowable over Herrington, Yuen and/or the other documents of record, whether taken alone or in combination with one another. For example, the combination of Herrington and Yuen does not teach or suggest at least “responsive to receipt of the instruction, navigating the navigational axis from a first channel displaying the currently displayed television program to a second channel displaying a different television program located on the navigational axis,

wherein a listing of programs in the navigational axis is not displayed to effect the navigating on the navigational axis," as Applicant's claim 40 presently recites.

For at least the reasons presented herein, the combination of Herrington and Yuen does not teach or suggest all of the features of claim 40. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 40.

Dependent Claims 41-44

Claims 41-44 ultimately depend from independent claim 40. As discussed above, claim 40 is allowable over the cited documents. Therefore, claims 41-44 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, as well as for the additional features that each recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claims 41-44.

Claims 6 and 7 are Non-Obvious over Herrington and Yuen in view of Ellis

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Herrington in view of Yuen in further view of Ellis. Applicant respectfully traverses the rejection.

Claims 6 and 7 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the combination of Herrington and Yuen. Ellis is cited for allegedly teaching that television program content is on-demand or musical programming. However, Ellis does not teach or suggest navigating the navigational axis as discussed above with respect to Applicant's claim 1. Consequently, Ellis fails to remedy the deficiencies of Herrington and Yuen as noted above with regard to independent claim 1. Therefore, claims 6 and 7 are also allowable over the cited documents of record at least for the dependency of these claims from an allowable base

claim, as well as for the additional features that these claims recite. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 6 and 7.

Expectation that Next Action will not be Final

Applicant submits that all claims are in condition for allowance. If the next action is not a Notice of Allowance, then in accordance with 37 CFR § 1.113 and MPEP 706.07(a), Applicant respectfully submits that a final action would be premature for the next action at least because Applicant has not amended independent claim 1 and has not substantively amended independent claim 36. Applicant has explained above that the rejection of claims 1 and 36 under 35 USC § 103(a) in view of the cited documents is improper and should be withdrawn. Consequently, in accordance with 37 CFR § 1.113 and MPEP 706.07(a), if the next action is not a Notice of Allowance, and if a rejection of these claims is made in the next action on other grounds, the next action cannot be made final.

Conclusion

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that would prevent allowance of this application, Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Colin D. Barnitz 35061/

Dated: January 25, 2011

Colin D. Barnitz
(colin@leehayes.com; 512-505-8162 x5002)
Registration No. 35061

Kayla D. Brant
(kayla@leehayes.com; 509-944-4742)
Registration No. 46576